UNITED STATES *v.* SHIPP.

INFORMATION IN CONTEMPT.

No. 4. Original [No. 5, original, of October Term, 1908]. Opinion delivered June 1, 1909.—Sentence pronounced November 15, 1909.[1]

On June 1, 1909, after the opinion and judgment of the court (214 U. S. 403) were delivered, *The Solicitor General* moved in open court for sentence, and thereupon the defendants Shipp, Gibson, Williams, Nolan, Padgett and Mayes, moved for leave to present petition for rehearing and the court ordered that they be allowed thirty days to present a

[1] For a full report of the proceedings in this case see 214 U. S. 386.

motion for leave to file a petition for rehearing and that they be remanded to custody to be released on their respective recognizances in $1,000 each to be taken by the District Judge of the United States for the Eastern District of Tennessee. On June 7, 1909, a certificate of the said judge that such recognizances had been taken was filed in this court.

The motions for leave to file petitions for rehearing were received by the clerk of this court during vacation (June 1–October 11, 1909). November 1, 1909. Leave to file petitions for rehearing denied and the above named six defendants ruled to appear for judgment on November 15, 1909.

On November 15, 1909, *Mr. Solicitor General Bowers* announced to the court that the said six defendants were present in court in response to the rule issued against them, and asked that sentence be pronounced.

These defendants were then called to the bar by the clerk.

The Chief Justice announced the judgment of the court as follows:

You, Joseph F. Shipp, Jeremiah Gibson, Luther Williams, Nick Nolan, Henry Padgett and William Mayes, are before this court on an attachment for contempt.

On return to a rule to show cause you have presented such evidence as you were advised and been fully heard orally and on printed briefs, and after thorough consideration you have been found guilty. You have also been permitted severally to present petitions for rehearing and move that leave be granted to file them, which after consideration have been denied.

The grounds upon which the conclusion was reached are set forth in the opinion filed herein on Monday, May 24, 1909, and need not be repeated, nor need we dwell upon the destructive consequences of permitting the transaction complained of to pass into a precedent for unpunished contempt.

It is considered by the court, and the judgment of the court is, that as punishment for the contempt you, Joseph F.

Shipp, Luther Williams and Nick Nolan, and each of you, be imprisoned for the period of ninety days, and that you, Jeremiah Gibson, Henry Padgett and William Mayes, and each of you, be imprisoned for the period of sixty days, in the jail of the District of Columbia. The marshal of this court is charged with the execution of this judgment.

November 17, 1909, the marshal filed a return that the judgment of the court had been executed according to the tenor thereof.